

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA :
:
- v. - :
:
NGOC MANH NGUYEN, :
a/k/a "Peter Nguyen," :
VICTORIA DIEUY HO, :
a/k/a "Vicky Ho," and :
DAT TAT HO, :
:
Defendants. :
:
- - - - - X

INDICTMENT

21 Cr.

21 CRIM 403

COUNT ONE

(Major Fraud Against the United States)

The Grand Jury charges:

1. From at least in or about April 2020 through at least in or about June 2020, in the Southern District of New York and elsewhere, NGOC MANH NGUYEN, a/k/a "Peter Nguyen," VICTORIA DIEUY HO, a/k/a "Vicky Ho," and DAT TAT HO, the defendants, willfully and knowingly executed, and attempted to execute, a scheme and artifice with the intent to defraud the United States, and to obtain money and property by means of false and fraudulent pretenses, representations, and promises, in a grant, contract, subcontract, subsidy, loan, guarantee, insurance, and other form of Federal assistance, including through an economic stimulus, recovery and rescue plan provided by the Government, the value of which was \$1,000,000 and more, to wit, the defendants engaged in a scheme to obtain Government-guaranteed

loans by means of false and fraudulent pretenses, representations, and documents, for several related nail salons and other companies (the "Victoria Companies") through a loan program of the United States Small Business Administration (the "SBA") designed to provide relief to small businesses during the novel coronavirus/COVID-19 pandemic, namely the Paycheck Protection Program (the "PPP").

(Title 18, United States Code, Sections 1031 and 2.)

COUNT TWO
(Conspiracy to Commit Wire Fraud and Bank Fraud)

The Grand Jury further charges:

2. From at least in or about April 2020 through at least in or about June 2020, in the Southern District of New York and elsewhere, NGOC MANH NGUYEN, a/k/a "Peter Nguyen," VICTORIA DIEUY HO, a/k/a "Vicky Ho," and DAT TAT HO, the defendants, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit wire fraud, in violation of Title 18, United States Code, Section 1343, and bank fraud, in violation of Title 18, United States Code, Section 1344.

3. It was a part and an object of the conspiracy that NGOC MANH NGUYEN, a/k/a "Peter Nguyen," VICTORIA DIEUY HO, a/k/a "Vicky Ho," and DAT TAT HO, the defendants, and others known and unknown, having devised and intending to devise a scheme and artifice to defraud and for obtaining money and property by

means of false and fraudulent pretenses, representations, and promises, knowingly and willfully would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343, to wit, the defendants engaged in a scheme to obtain Government-guaranteed loans for the Victoria Companies through the PPP by means of false and fraudulent pretenses, representations, and documents, including through electronic communications transmitted into and out of the Southern District of New York.

4. It was further a part and an object of the conspiracy that NGOC MANH NGUYEN, a/k/a "Peter Nguyen," VICTORIA DIEUY HO, a/k/a "Vicky Ho," and DAT TAT HO, the defendants, and others known and unknown, knowingly and willfully would and did execute and attempt to execute a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation ("FDIC"), and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344, to wit, the defendants

engaged in a scheme to obtain Government-guaranteed loans for the Victoria Companies from FDIC-insured banks through the PPP by means of false and fraudulent pretenses, representations, and documents.

(Title 18, United States Code, Section 1349.)

COUNT THREE
(Conspiracy to Make False Statements)

The Grand Jury further charges:

5. From at least in or about April 2020 through at least in or about June 2020, in the Southern District of New York and elsewhere, NGOC MANH NGUYEN, a/k/a "Peter Nguyen," VICTORIA DIEUY HO, a/k/a "Vicky Ho," and DAT TAT HO, the defendants, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit, violations of Title 18, United States Code, Sections 1014 and 1001.

6. It was a part and an object of the conspiracy that NGOC MANH NGUYEN, a/k/a "Peter Nguyen," VICTORIA DIEUY HO, a/k/a "Vicky Ho," and DAT TAT HO, the defendants, and others known and unknown, knowingly would and did make a false statement and report for the purpose of influencing the actions of a financial institution, the accounts of which were insured by the FDIC, in connection with an application and loan, in violation of Title 18, United States Code, Section 1014, to wit, the defendants agreed to make false statements regarding, among other things,

the number of employees of and wages paid by the Victoria Companies, for the purpose of obtaining Government-guaranteed loans for the Victoria Companies from FDIC-insured banks through the PPP.

7. It was further a part and an object of the conspiracy that NGOC MANH NGUYEN, a/k/a "Peter Nguyen," VICTORIA DIEUY HO, a/k/a "Vicky Ho," and DAT TAT HO, the defendants, and others known and unknown, in a matter within the jurisdiction of the executive branch of the Government of the United States, knowingly and willfully, would and did falsify, conceal and cover up by a trick, scheme and device a material fact, make a materially false, fictitious, and fraudulent statement and representation, and make and use a false writing and document knowing the same to contain a materially false, fictitious, and fraudulent statement and entry, in violation of Title 18, United States Code, Section 1001, to wit, the defendants agreed to make false and misleading statements regarding, among other things, the number of employees of and wages paid by the Victoria Companies, for the purpose of obtaining Government-guaranteed loans for the Victoria Companies through the PPP administered by the SBA.

Overt Acts

8. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others,

were committed in the Southern District of New York and elsewhere:

a. On or about April 27, 2020, VICTORIA DIEUY HO, a/k/a "Vicky Ho," the defendant, submitted a PPP loan application for Victoria's Day Spa & Nails 2000 Inc. ("Victoria Company-1") to a financial institution ("Bank-1") that contained false statements inflating the number of employees and total average payroll of Victoria Company-1.

b. On or about April 29, 2020, NGOC MANH NGUYEN, a/k/a "Peter Nguyen," the defendant, submitted fabricated tax forms, which contained false statements inflating the number of employees and payroll of Victoria Company-1, to a Bank-1 representative based in Manhattan, New York.

c. On or about May 4, 2020, Bank-1 received a PPP loan application for ND - Victoria's Nails and Spa Inc. ("Victoria Company-2") signed by DAT TAT HO, the defendant. The application contained false statements inflating the number of employees and total average payroll of Victoria Company-2.

(Title 18, United States Code, Section 371.)

FORFEITURE ALLEGATIONS

9. As the result of committing the wire fraud, bank fraud, and false statements to a bank offenses charged in Counts Two and Three of this Indictment, NGOC MANH NGUYEN, a/k/a "Peter Nguyen," VICTORIA DIEUY HO, a/k/a "Vicky Ho," and DAT TAT HO,

the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A), any and all property constituting, or derived from, proceeds obtained directly or indirectly, as a result of the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

Substitute Assets Provision

10. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461, to seek forfeiture of any other property of

the defendants up to the value of the forfeitable property described above.

(Title 18, United States Code, Section 982;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)


FOREPERSON


AUDREY STRAUSS
United States Attorney

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Defendants.

INDICTMENT

21 Cr.

(18 U.S.C. §§ 371, 1031, 1349, and 2.)

AUDREY STRAUSS
United States Attorney


Foreperson

Indictment filed 6/14/21
before Judge Wang



Wheel 13. J. Caproni/OTW - 6-14-21